

03-19-01

A
jc971 U.S. PTO
09/809885
03/16/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11321-P026US

Anticipated Classification of this application:

Class _____ Subclass _____

Prior Application: To Be Assigned

Examiner: To Be Assigned

Art unit: To Be Assigned

BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Attorney Docket No. 11321-P013WOUS of John L. Margrave, Edward T. Mickelson, Robert Hague, Peter Boul, Charles B. Huffman, Jie Liu, Richard E. Smalley, Ken Smith and Daniel T. Colbert (inventors currently of record in prior application) for CHEMICAL DERIVATIZATION OF SINGLE WALL CARBON NANOTUBES TO FACILITATE SOLVATION THEREOF, AND USE OF DERIVATIZED NANOTUBES.

1. X Enclosed is a copy of the prior application, including the oath or declaration as originally filed and an affidavit or declaration verifying it as true copy. (See 8 and 9 for drawing requirements.)
2. X Applicants claim small entity status (37 C.F.R. 1.27).
3. X The filing fee is calculated below:

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILED

- ☒ deposited with the United States Postal Service in an envelope addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231 as "Express Mail Post Office to Addressee"

Mailing Label No. EL629591257US (mandatory)

Date: 3-16-2001

Toni Stanley
Signature
Toni Stanley
(Type or print name of person certifying)

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

For	No. filed	No. extra
Total claims*	45	0
Indep. claims*	4	0
___ Multiple Dependent Claim Presented		

*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

Fees for Small Entity or

Fees for other than a small entity

<u>Rate</u>	<u>Fee</u>		<u>Rate</u>	<u>Fee</u>
	\$ 355.00	or		\$ 710.00
<u>25</u> x \$ 9 =	\$ <u>225.00</u>	or		x \$ 18 = \$
<u>1</u> x \$ 40 =	\$ <u>40.00</u>	or		x \$ 80 = \$
+ \$135 =	\$	or		+ \$270 = \$
TOTAL	\$ <u>620.00</u>	or	TOTAL	\$

4. _____ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____. **A duplicate copy of this Request is enclosed.**
5. X A check in the amount of \$ 620.00 is enclosed.
6. _____ Cancel in this application original claims ___ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. _____ Amend the specification by inserting before the first line the sentence: -- This is a ___ continuation, ___ division of application serial no. ___ filed __--.
8. _____ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in

the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of base issue fee.)

9. X New X formal, informal drawings are enclosed.
10. Priority of application serial no. filed on in (country), is claimed under 35 U.S.C. 119.
11. The certified copy of the priority application has been filed in prior application serial no. , filed .
12. X With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor(s) in this application are:
- a. X the same
- b. less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:
- c. X The inventorship for all the claims in the application are:
 X the same
 not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.
13. The prior application is assigned of record to

14. X The power of attorney in the prior application is to:

Ross Spencer Garsson, Reg. No. 38150; Hugh Kress, Reg. No. 36,574;
Robert C. Shaddox, Reg. No. 34,011.

- a. X The power appears in the original papers in the prior application.

- b. Since the power does not appear in the original papers, a copy of the Power in the prior application is enclosed.

- c. X Address all future communications to:

Winstead Sechrest & Minick P.C.
100 Congress Avenue
Suite 800
Austin, TX 78701
Attention: Ross Spencer Garsson
Registration No. 38,150

15. X A preliminary amendment is enclosed.

16. X An Information Disclosure Statement and PTO Form 1449 is attached.

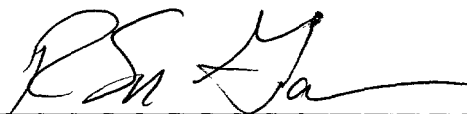
17. A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.

18. X I hereby verify that the attached papers are a true copy of prior application Attorney Docket No. 11321-P013WOUS as originally filed on March 16, 2001, and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

3/16/01

Date



Ross Spencer Garsson

Registration No. 38,150

WINSTEAD SECHREST & MINICK P.C.
100 Congress Avenue
Suite 800
Austin, TX 78701
(512) 370-2870

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under § 1.34(a)

\\ODMA\PCDOCS\AUSTIN_1\160827\1
374:11321-P026US